

Kinnane: A First Book on Anglo-American Law - Second Edition

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REVIEWS

A First Book on Anglo-American Law. Second Edition. By CHARLES HERMAN KINNANE. Indianapolis: The Bobbs-Merrill Company, Inc., 1952. Pp. xvi, 810. \$8.50.

As was the first edition in 1932, this book is fully textual in form and is comprehensible in style and language. There are four main parts. Part I is sociological and jurisprudential in nature. Although this is probably the most controversial section of the book, it fully accomplishes its purposes of demonstrating the need for law and of reducing to meaningful terms some of the ambiguous abstractions by which law is described and measured. No more can be asked of 165 pages. In Part II Professor Kinnane devotes 277 pages to a brief examination of systems outside the common law and a survey of Anglo-American legal history. Two chapters on administrative activity represent a significant addition to the first edition. Part III contains 77 pages describing in some detail the modern English and American court systems, in the latter case beginning with the colonial period. Throughout this section, the author attends to the development of the system and its function, never losing the reader in massive, unrelated detail. The tremendously important idea of judicial organization and administration as keystones to substantive rights is implicitly but firmly conveyed. In the final major part of his work, Professor Kinnane outlines procedure and remedies. Procedural matters from parties and jurisdiction through trial and proceedings subsequent to judgment are covered. One chapter is devoted to common law actions and remedies, one to equitable remedies, and one to extraordinary and statutory remedies. This section totals 170 pages.

The expert in any or all of the areas synthesized in this volume will doubtless be troubled by the degree of generalization employed; but in the light of the scope of material covered and the purpose of the author, generalization is not only necessary, but desirable. Equally innocuous objection may be raised by readers who feel their favorite viewpoint has been de-emphasized or slighted. The reviewer had such an impression in reading Part I. In his analysis of law's nature, the author proceeds from "justice" to "right and wrong." Although considerable effort is spent in limiting these terms to social norms and showing that the norms are variables, no attempt is made to explain the variations other than as reflections of mass changes in the individual's concept of right and wrong. No attempt is made to indicate at least, the underlying values or interests upon which the individual concept and most certainly the social concept often depends for its conformation. But this is a volume to be measured not by what others can find excluded, but by how well the material presented serves the purpose in view.

The book is beamed primarily to two groups: pre-legal students and beginning law students. Members of both groups will search well to unearth more gross reading profit between two covers. Pre-legal education continues to be a subject on which law faculties refuse to become specific. But few will deny a need for more effective college preparation. Devices short of course prescription which are effective in identifying and motivating pre-legal students are needed to provide law schools with better minds, better prepared.

4 *First Book on Anglo-American Law*, used as a course tool, or effectively publicized and assigned for outside reading, is suited to this purpose. The uncertain student will find in it some basis for judgment; the student with definite law school aspirations is given relevant material for thought and work.

What then, of this book as the basis for a first year law school course or seminar? As a pioneer in this area,¹ Professor Kinnane might take much comfort from its great expansion. Rather he seems to feel the ball has been carried in the wrong direction or, at least, not in enough directions.² The need for broadened perspective for law study remains acute. The unanswered question is: Is this the most pressing need *in the first year*? The reviewer feels it is not if a choice must be made to exclude other introductory material. Basic training in legal skills, language, and thinking habits still seems to be the overwhelming burden of the first year. But the choice of materials need not be mutually exclusive. The reviewer makes most of Kinnane required reading in an introductory seminar but devotes class time largely to other materials. One of the many merits of this book is its readability; even beginners can extract much of its wealth on their own.

The author expresses the hope that readers outside these groups will find his work useful. In the opinion of the reviewer, they will. In particular the advanced law student and the lawyer will find Professor Kinnane's book valuable as a source of perspective for thought on legal and political problems of many ranks.

BERT S. PRUNTY, JR.*

Cases on the Law of Bills and Notes. By WILLIAM EVERETT BRITTON. Chicago: Callaghan & Company, 1951. Pp. v, 861. \$8.00.

I reluctantly admit that students frequently undertake the study of Negotiable Instruments with all the anticipation which precedes a great and difficult task. The instructor who attempts honestly to appraise his students' difficulties will probably agree that most of them could be summarized in the statement of a student of mine, "I have learned a lot of separate principles so far, but I can't fit them together." I have often wondered why a negotiable contract should afford the student any greater problem than those arising in Agency, Partnership or Sales or any of the other projections of fundamental contract law. I believe the major source of student difficulty lies in the fact that at any given point where student and instructor begin the study of Negotiable Instruments, it must be presumed the student enjoys a general understanding of much of the other and related course material. Such I believe to be the exceptional rather than the usual student. Therefore, though organization of material is the distinguishing feature of all casebooks, in my opinion it achieves its greatest import in connection with the study of Bills and Notes. Professor Britton has devised and retained a most orderly and logical presentation of his subject.

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¹ Of the many books designed for such use, only Morgan's, *The Study of Law* (1st edition, 1926) predates Kinnane's first edition in 1932.

² P. vii.